



FEDERAL ELECTION COMMISSION
Washington, DC 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

DEC 11 2018

Kevin Louis Tober

Brick, New Jersey 08723

RE: MUR 7104
Frederick John LaVergne for Congress

Dear Mr. Tober:

This is in reference to the above-referenced complaint you filed with the Federal Election Commission on July 11, 2016.

On May 24, 2017, the Commission found that there was reason to believe that Frederick John LaVergne for Congress and Leonard Marshall, in his official capacity as treasurer ("Committee" or "respondents") violated 52 U.S.C. § 30104(a), (b)(4) and 11 C.F.R. § 104.3(a), (b), which are provisions of the Act and Commission regulations, by failing to report all receipts and disbursements relating to Frederick John LaVergne's 2016 campaign for a seat in the U.S. House of Representatives. The Commission instituted an investigation of this matter. The Commission also voted, at that time, to dismiss the allegation that the Committee and its treasurer violated 52 U.S.C. § 30120(a)(1) and (c)(2) and 11 C.F.R. § 110.11(b)(1) and (c)(2), and found no reason to believe that the Committee and its treasurer violated 52 U.S.C. § 30120(c)(2) and 11 C.F.R. § 110.11(c)(2)(ii); and no reason to believe that Frederick John LaVergne violated 52 U.S.C. §§ 30104(a), (b)(4), 30120(c)(2) and 11 C.F.R. §§ 104.3(a), (b) and 110.11(c)(2)(iv). The Factual and Legal Analysis that explains the Commission's determinations is enclosed.

After conducting an investigation and considering the circumstances of this matter, the Commission exercised its prosecutorial discretion to take no further action as to the Committee and its treasurer, and closed the file in this matter on December 4, 2018. At the same time, the Commission cautioned the Frederick John LaVergne and Leonard Marshall in his official capacity as treasurer that 52 U.S.C. § 30104(a), (b)(4), and 11 C.F.R. § 104.3(a), (b) of the Act and Commission regulations requires that Committees and their treasurers report receipts and disbursements, and that the Committee and its treasurer should ensure that their future conduct is in compliance with the Act and the Commission's regulations. The General Counsel's Report, which explains the basis for the Commission's decision, is enclosed.

Documents related to the case will be placed on the public record within 30 days. *See* Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016).

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. *See* 52 U.S.C. § 30109(a)(8). If you have any questions, please contact me at (202) 694-1650.

Sincerely,

A handwritten signature in cursive script that reads "Kimberly D. Hart".

Kimberly D. Hart
Attorney

Enclosure

Factual and Legal Analysis
Second General Counsel's Report

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